

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 28, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 21, 2003. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.ci.lincoln.ne.us>)

MOTION: Workman moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated January 21, 2003. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

- A. The Commissioners Award of Excellence was presented to Sharon Keith, an employee with the County Attorney's Office, for December, 2002.
- B. The Commissioners Award of Excellence was presented to Alicia Boss, an employee with the Juvenile Detention Center, for January, 2003.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting continued as planned.

4) **CLAIMS:** Approval of all claims processed through Tuesday, January 28, 2003.

MOTION: Workman moved and Hudkins seconded approval of all claims processed through January 28, 2003. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

5) **NEW BUSINESS:**

A. An interlocal agreement with the City of Lincoln to reimburse the County for ten feet of road right-of-way which will be acquired on North 14th Street to its intersection with McKelvie Road, McKelvie Road between 14th Street and Northwest 12th Street and a portion of Northwest 12th Street running north to its intersection with McKelvie Road. The County shall be reimbursed at the negotiated price or the amount of the award at eminent domain proceedings, which shall include any related damages. (C-03-0042)

David Johnson, Deputy County Attorney, explained two additions to the interlocal agreement:

- ▶ Inclusion of the following language: "Whereas, the City needs ten feet of said right-of-way for road construction purposes and the above roads are in the County's one and six year road construction plan."
- ▶ Inclusion of the following language in Subsection 3 (Responsibilities), B3: "The City warrants that its acquisition of the property is for a purpose authorized by law."

He requested that the Board accept the additions to the agreement.

MOTION: Stevens moved and Hudkins seconded approval of the interlocal with the City of Lincoln with the addition of the two clauses as outlined by the Deputy County Attorney. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

B. Utility permit 641 for the City of Lincoln, through a contractor, to construct a 16-inch water line in County road right-of-way on Northwest 48th Street north of Interstate 80, approximately West "O" Street to West Adams Street. (C-03-0043)

MOTION: Workman moved and Schorr seconded approval of utility permit 641 for the City of Lincoln, through a contractor, to construct a 16-inch water line in County road right-of-way on Northwest 48th Street north of Interstate 80, approximately West "O" Street to West Adams Street. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

C. Lancaster County Board of Commissioners Committee Assignments for 2003.

MOTION: Workman moved and Stevens seconded approval of the Lancaster County Board of Commissioners Committee Assignments for 2003. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

D. Appointment of the following individuals to the Community Mental Health Advisory Committee for three year terms, beginning January 1, 2003:

- ▶ **Peggy J. Maresh**
- ▶ **Dennis Hoffman**
- ▶ **Alan M. Green**

MOTION: Hudkins moved and Stevens seconded approval of the appointments of Peggy J. Maresh, Dennis Hoffman and Alan M. Green to the Community Mental Health Advisory Committee for three year terms, beginning January 1, 2003. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Workman moved and Stevens seconded adjournment of the Board of Commissioners meeting at 1:45 p.m. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 28, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk

The Board of Equalization meeting was called to order at 1:45 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 21, 2003. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Schorr moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting dated January 21, 2003. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **ADDITIONS AND DEDUCTIONS:**

Approval of 124 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Stevens moved and Hudkins seconded approval of the additions and deductions to the tax assessment rolls, with the exception of Vouchers 151 through 161.

Heier noted that he would not be voting on Vouchers 151 through 161 because of a conflict of interest.

ROLL CALL: Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

MOTION: Stevens moved and Workman seconded approval of Voucher 151 through 161. Stevens, Workman, Schorr and Hudkins voted aye. Heier abstained from voting. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**American Legion, Department of Nebraska
CenterPointe, Inc.
Christian Heritage
People's City Mission
Saint Elizabeth Regional Medical Center (3 exemption applications)
Salvation Army
Sesostris Shrine Temple (3 exemption applications)
Trinity Lutheran Church
Wyuka Cemetery (2 exemption applications)**

Stevens noted he would abstain from voting on a motor vehicle exemption for People's City Mission.

MOTION: Stevens moved and Workman seconded approval of motor vehicle tax exemptions for American Legion, Department of Nebraska, Christian Heritage, Saint Elizabeth Regional Medical Center, Salvation Army, Sesostris Shrine Temple, Trinity Lutheran Church and Wyuka Cemetery and for CenterPointe, Inc. subject to titling and registering the vehicle(s) to the applicant and to take action on People's City Mission separately. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

MOTION: Hudkins moved and Workman seconded approval of a motor vehicle tax exemption for People's City Mission. Heier, Workman, Hudkins and Schorr voted aye. Stevens abstained from voting. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

James Krupicka

The Clerk indicated that this item was withdrawn from the agenda.

6) **Settlement agreement in *Katt v. Lancaster County Board of Equalization.***

Mike Thew, Deputy County Attorney, presented a brief background stating that the Board received a request from a taxpayer to levy less for School District #1 than was requested based on the taxpayer's allegations that a portion of the levy requested by the school district did not meet the requirements of state law. He stated that based on an old opinion from the County Attorney's Office and a brief filed by Lincoln Public Schools (LPS) the Board proceeded with levying the entire amount requested by the school district. As a result, Thew said, the taxpayer filed an appeal with the Tax Equalization and Review Commission (TERC). He further stated that several weeks ago the County Attorney's Office and LPS filed responsive pleadings in the TERC case which challenged the jurisdiction of TERC to hear the case. A hearing was held, however, no action has been taken. Thew stated he has received a communication from the attorney for LPS who indicated that the school district and Mr. Katt had come to an agreement as a result of discussions whereby the taxpayer's concerns will be met.

Thew stated the County's role in the issue is ministerial only; the County has no substantive interest in the issue. He requested that Board give authorization for him to execute the settlement documents on behalf of Lancaster County because the County is a party.

Thew stated Jim Gessford, attorney for LPS, is present to answer questions which the Board may have.

In response to a question asked by Schorr, Thew stated if TERC makes a decision that they do not have jurisdiction the case would be dismissed for want of jurisdiction.

Stevens stated there was no appeal beyond the appeal to TERC on the part of the taxpayer.

Thew responded that under the statute the taxpayer can appeal from a determination by TERC to the Court of Appeals, but if TERC is correct in their ruling that they don't have jurisdiction the Court would say that they also do not have jurisdiction. Thew stated he felt the taxpayer would probably not appeal a finding by TERC that there was no jurisdiction.

MOTION: Workman moved and Schorr seconded to authorize the County Attorney's Office to execute settlement documents in the matter of Katt v. Lancaster County Board of Equalization. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Equalization meeting at 1:55 p.m. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk